

BOARD OF REVIEW DECISION

Title of publication: Child Rape.mov

Other known title(s): Video 3

OFLC ref: 2000163.002

Medium: Video File

Maker: Not stated

Country of origin: Not stated

Language: Hindi

Applicant: Commissioner of Police

Classification:	Objectionable.
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Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 25 September 2020

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 24 September 2020

	Components	Running time
Timed component(s):	Child Rape.mov	0:27
Total running time:		0:27

Summary of reasons for decision:

This was an application to the Board under section 47(2)(a) of the Films, Videos, and Publications Classification Act 1993 (the Act) by the New Zealand Police, for a review of a video file classified as R18 by the Classification Office on 23 July 2020.

The publication at issue is a video clip seemingly filmed on a phone or other such device. It depicts an older man with grey hair lying down on top of a child, with his bare bottom visible. He stands abruptly when confronted by those behind the camera, and his trousers are around his ankles. The child, a female toddler is still lying down and is seen to be wearing a dress and white underpants. The older man picks her up, placing her on her feet and pulling down her dress and pulling up a little pair of trousers. The man tries to pull up his own underpants and stumbles, falling over. He stands up and

tucks his shirt into his trousers.

In its decision, the Board classified the publication as objectionable under the Act. It held that the publication must be determined to be objectionable in terms of section 3 of the Act because it describes, depicts, or otherwise deals with sexual conduct with a child and degrades, dehumanises, and demeans the child.

The Board considered it was quite clear that the video clip is depicting a sexual assault on a child and the circumstances of the assault, recorded in the video clip degrade and demean the young girl.

The Board considered there to be no distinction between the public good being affected by the availability of the video clip to children and young persons vis-à-vis adults. In the Board's view, the availability of any video clip depicting the sexual assault of a child is injurious to the public good, because such availability serves to desensitise the public to sexual abuse of a child, leading to the risk that such behaviour becomes normalised.